

EXHIBIT D

Case No. 19-3232



DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information Act & Privacy Act Program
Communications Center
245 Murray Lane, SW, Building T-5
Washington, D.C. 20223

Date: August 19, 2019

The Project Democracy Project
2020 Pennsylvania Avenue, NW, #163
Washington, DC 20006
Attn: Genevieve Nadeau
genevieve.nadeau@protectdemocracy.org

File Number: 20191045

Dear Requester:

This letter is intended to acknowledge the receipt of your recent Freedom of Information Act (FOIA) request, received by the United States Secret Service (Secret Service) on August 16, 2019, for information pertaining to:

1. Documents concerning explicit or implicit threats of violence made or posed by any white supremacist group or hate group in connection with any event hosted by Donald J. Trump for President (including the president's initial and reelection campaigns, hereinafter collectively referred to as the "Trump Campaign");
2. Documents indicating that your agency (or any other agency of the federal government) has identified white supremacist groups or hate groups, generally or specifically, as posing a threat of violence or other unlawful activity at events hosted by the Trump Campaign;
3. Documents indicating that your agency (or any other agency of the federal government) has identified individuals who hold white supremacist or white nationalist views as posing a threat of violence or other unlawful activity at events hosted by the Trump Campaign;
4. Communications or other documents exchanged with state or local law enforcement agencies concerning explicit or implicit threats of violence made or posed by any white supremacist group or hate group in connection with any event hosted by the Trump Campaign;
5. Documents concerning the arrest and/or prosecution of any member of any white supremacist group or hate group in connection with violence, harassment, threats, or intimidation at any event hosted by the Trump Campaign;

6. Documents indicating that any member of any white supremacist group or hate group has been barred or otherwise prevented from attending any event hosted by the Trump Campaign; and
7. Documents indicating or reflecting any advice or instructions given to Trump Campaign personnel concerning the incitement or encouragement of violence at Trump Campaign events (Date Range for Record Search: From 1/1/2016 To 8/16/2016).

You have requested expedited processing of your request under the Department of Homeland Security (DHS) standard permitting expedition when a requester demonstrates a “compelling need.”

Your request, for expedited treatment, has been denied.

Under the DHS/FOIA regulation, 6 C.F.R., Chapter I, Part 5 § 5.5, expedited processing of a FOIA request is warranted if the request involves “circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual” ((d)(1)(i)), or “an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information” ((d)(1)(ii)). Requesters that seek expedited processing must submit a statement explaining, in detail, the basis for the request. Additionally, FOIA regulation, 6 C.F.R., Chapter I, Part 5 § 5.5(d)(3), requires that statements be certified, by the requester, to be “true and correct to the best of that person’s knowledge and belief.”

Please be advised, your request has been denied because you do not qualify under either category. Clearly, you have not demonstrated that there is a threat to the life or physical safety of an individual nor have you demonstrated there is a particular urgency to inform the public about the government activity involved in the request, beyond the public’s right to know about government activity, generally. Your letter was conclusory, in nature, and did not present any facts to justify a grant of expedited processing under the applicable standards.

If you deem the decision to deny expedited treatment to your request an adverse determination, you may exercise your appeal rights. Should you wish to file an administrative appeal, your appeal should be made in writing and received within sixty (60) days of the date of this letter, by writing to: Freedom of Information Appeal, Deputy Director, U.S. Secret Service, Communications Center, 245 Murray Lane, S.W., Building T-5, Washington, D.C. 20223. If you choose to file an administrative appeal, please explain the basis of your appeal and reference the case number listed above.

As it pertains to your request for a fee waiver, it will be held in abeyance pending the quantification of responsive records. The FOIA regulations, Title 6 C.F.R., Chapter I, Part 5 § 5.11(k)(2)(3), set forth six factors to examine when determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- 1) Whether the subject of the requested records concerns “the operations or activities of the government;”

- 2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
- 3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- 4) Whether the contribution of public understanding of government operations or activities will be “significant;”
- 5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
- 6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver. In the event that your fee waiver is denied, we shall charge you for the records in accordance with Interim FOIA regulations as they apply to “media” requesters. The first 100 pages of duplication are free of charge. As a “media” requester, you will be charged .10 cents a page for the duplication of each additional page.

Furthermore, the submission of your request is viewed as an agreement, by you, to pay duplication costs up to \$25.00. A search for files responsive to your request is being conducted. The appropriate components of the Secret Service are being queried for responsive documents. If any responsive records are located, they will be reviewed for a disclosure determination. You will be contacted before any additional fees are accrued.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the FOIA regulations, 6 C.F.R, Chapter I, Part 5, the Service processes FOIA requests according to their order of receipt.

Your request has been assigned FOIA File No. 20191045. We solicit your cooperation and assure you that the search will be conducted as expeditiously as possible. To check the status of your FOIA request, please contact this office at (202) 406-6370.

Please use the file number indicated above in all future correspondence with this office.

Thank you,

Freedom of Information Act & Privacy Act Program
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